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BOARD OF PHARMACY

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ATTORNEY GENERAL OF NEW JERSEY
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Attorney for State Board of Pharmacy

By: Marianne W. Greenwald
Deputy Attorney General
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

KEVIN TUSO, R.P.
License No. RI25396

TO PRACTICE PHARMACY IN THE
STATE OF NEW JERSEY

:
: Administrative Action
:
: PROVISIONAL ORDER
: OF DISCIPLINE
:
:
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:

This matter was opened to the New Jersey State Board of Pharmacy upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made.

FINDINGS OF FACT

1. Respondent is a pharmacist in the State of New Jersey and has failed to renew his license for the current biennial period.

2, On or about August 14, 2001 through August 11, 1001, the Board attempted and failed to serve a subpoena on respondent to appear before the Board and give testimony under oath. See attached Affidavit of Christine Green.

3. Respondent had listed on his most recent renewals as his address of record 118 Haddon Hills, Apt. B, Haddon Township and 2869 Driftwood Lane, Vineland, New Jersey. (See attached Affidavit of Lois Johnson.)

4. Respondent has failed to notify the Board as to his present address and has not made himself available for service of the subpoena from the Board.

CONCLUSIONS OF LAW

1. The above described conduct provides grounds for the suspension of his license to practice pharmacy in New Jersey pursuant to N.J.A.C. 13:45C-1.1 in that respondent has failed to cooperate with the Board by providing his current address and has therefore engaged in professional misconduct pursuant to N.J.S.A. 45:1-21(e).

ACCORDINGLY, IT IS ON THIS 24th DAY OF October, 2001,

ORDERED that:

1. Respondent's right to reinstate his license to practice pharmacy in the State of New Jersey be and hereby is suspended until further Order of the Board.

2. Prior to resuming active practice in New Jersey, respondent shall be required to appear before the Board or a committee thereof to demonstrate fitness to resume practice. Any practice in this State prior to formal reinstatement of license by the Board shall constitute grounds for a charge of unlicensed practice. In addition, the Board reserves the right to place restrictions on respondent's practice should his license be reinstated.

3. The within Order shall be subject to finalization by the Board at 5:00 p.m. on the 30th business day following its filing unless respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

(a) Submitting a written request for modification or dismissal to Lois Johnson, Executive Director, State Board of Pharmacy, 124 Halsey Street, Sixth Floor, P.O. Box 45013, Newark, New Jersey 07101.

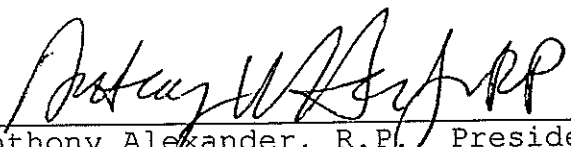
(b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

(c) Submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor or in mitigation of the penalty proposed.

4. Any submissions will be reviewed by the Board, and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through the submission by respondent during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order of Discipline will be entered.

5. In the event that respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein shall serve as notice of the factual and legal allegations in such proceeding.

NEW JERSEY STATE BOARD OF PHARMACY

By: 
Anthony Alexander, R.P. President

**JOHN J. FARMER, JR.
ATTORNEY GENERAL**

**STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PHARMACY**

IN THE MATTER OF

**Kevin Tusso, R.P.
File #8-4778-01-1605**

AFFIDAVIT

I, Christine Green, of full age, being duly sworn according to law, upon my oath, depose and say:

1. I am employed by the State of New Jersey, Division of Consumer Affairs, Enforcement Bureau, 124 Halsey Street, 7th Floor, Newark, New Jersey 07102.
2. My Department of Personnel designation is Investigator III.
3. On August 14-15, 2001 I attempted service of a Subpoena on Kevin Tusso at 118 Haddon Hills Apartments, Haddon Heights, NJ 08033. Investigation revealed he no longer resides at that location.
4. On August 14-15, 2001, I attempted service of Mr. Tusso at RXD Pharmacies at (3) locations. He is no longer employed by RXD Pharmacies.
5. On August 14, 2001, I went to the Franklin Township Police Department (FTPD), Franklin Township, NJ, in an attempt to locate Mr. Tusso. He was issued several traffic citations by FTPD, all of which could be paid by mail. I was provided an address for Mr. Tusso which was reflected as an alternate residence on the Subpoena, in Vineland, NJ.
6. On August 16, 2001, I attempted service of Mr. Tusso at his parents' residence, 3160 Silverwood Lane, Vineland, NJ 08361. I made contact with his mother Kathy Carlin, who provided the following information:
 - a. She does not know where her son, Kevin Tusso, is, and has not heard from him in several weeks.

- b. She received the her son's pharmacist license renewal; along with other mail. His license has not been renewed.
- c. When anyone rings her door bell, she is afraid it is a police officer notifying her that something happened to her son.
- d. Her son is addicted to drugs and is living in the streets. Several months ago she attempted to assist him into entering a drug rehabilitation center in Philadelphia, PA., but attempts to admit him failed.
7. On or about September 5, 2001, DAG Greenwald requested I follow up on information she received regarding the incarceration of Kevin Tusso, RP in the Camden County Jail (CCJ), Camden, NJ.
8. On September 6, 2001, I visited the Haddon Township Police Department (HTPD) and was advised that Mr. Tusso was incarcerated in CCJ for one (1) day for traffic violations and released. No further information was available.

I swear that all of the statements made by me are true. I am aware that if any of the forgoing statements made by me are willfully false, I am subject to punishment.

Date: 10/5/01

Chut A Green

Sworn and Subscribed to before
me this 5th day of Oct 2001

Robert J. Starrantino
ROBERT J. STARRANTINO
A NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 2/23/05

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY
ATTORNEY FOR Board of Pharmacy
BY: Marianne W. Greenwald
Deputy Attorney General

OFFICE ADDRESS: 124 Halsey Street, 5th Floor, Newark, New Jersey 07101
TELEPHONE NO.: 973-648-4876



ADMINISTRATIVE ACTION

SUBPOENA

RE: Kevin Tusso

THE STATE OF NEW JERSEY, to: Kevin Tusso, R.P.
118 Haddon Hills, Apt. B
Haddon Township, N.J. 08033

3160 Silverwood Lane
Vineland, N.J. 08361

Rxd Pharmacies Inc.
724 Haddon Avenue
Collingswood, N.J.

You are hereby commanded to appear and give testimony under oath before the above named Professional Board or its attorney at 124 Halsey Street, 6th Floor, Newark, New Jersey on Wednesday, August 22, 2001, at 1:00 p.m on the part of the Board of Pharmacy.

Dated: August 6, 2001

Marianne W. Greenwald

Marianne W. Greenwald

Deputy Attorney General

_____AFFIDAVIT OF SERVICE_____

On _____ 20____, I, the undersigned, being duly sworn according to law, on my oath depose and say that on _____, at approximately _____ M., I served the within Subpoena on _____ at _____ by exhibiting the origina Subpoena to and leaving a true copy thereof with said individual.

Sworn and Subscribed to before me

this _____ Day of _____ 20____.

Signature of Person Administering Oath



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PHARMACY
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

DONALD T. DiFRANCESCO
Acting Governor

JOHN J. FARMER, JR.
Attorney General
MARK S. HERR
Director

Mailing Address:

P.O. Box 45013
Newark, NJ 07101
(973) 504-6450

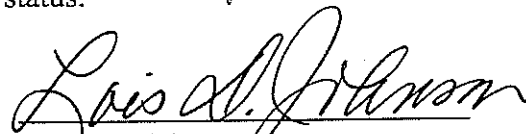
IN THE MATTER OF KEVIN R. TUSO

As custodian of the records of the New Jersey State Board of Pharmacy, I, Lois D. Johnson, do state the following:

(1) The current address of record of Mr. Tuso at the Board office is 118 Haddon Hills, Apartment B, Haddon Township, New Jersey 08033; as of October 2000.

(2) The previous address of Mr. Tuso was 2869 Driftwood Lane, Vineland, NJ 08361-6739; between May 1, 1999 and April 30, 2001.

(3) Mr. Tuso's license, #RI 25396, was last renewed in the 4/2/97-4/30/01 biennial renewal period. At present, his license is in lapsed status.


Lois D. Johnson
Executive Director

October, 22, 2001
Date:

28385

License Number: R1025396

Biennial Renewal Application For: PIARMACIST

Period From: 05/01/99 To: 04/30/01

KEVIN R TUSO
2869 DRIFTWOOD LANE
VINELAND NJ 08361-6739

State of New Jersey
Department of Law and Public Safety
Division of Consumer Affairs

If Not Renewed By: 05/01/99
The Late Fee Is: \$240.00

Renewal Fee
\$140.00

This application is required pursuant to the provisions of N.J.S.A.15:14-11

This address is considered your official address and is a matter of public record. If changes are necessary, please complete and return the attached data change form with your renewal. Do not return with renewal if your data is unchanged. Retain and complete when changes occur and mail to Board. Then forward to address on data change form.

Questions:

1. Has any government agency or professional association instituted charges or action against you in any state, since your last renewal? (Parking or speeding violations need not be disclosed; motor vehicle offenses such as driving while impaired or intoxicated must be disclosed.) YES ☐ NO ☒
2. Have you been convicted for the violation of any law or regulation or surrendered your professional license since your last renewal? (Parking or speeding violations need not be disclosed; motor vehicle offenses such as driving while impaired or intoxicated must be disclosed.) YES ☐ NO ☒
3. Have you violated any state or federal laws governing the practice of pharmacy or the dispensing of prescription drugs in the past two years? YES ☐ NO ☒

4. I have successfully completed continuing education courses during the past two years as follows (See General Information/Continuing Education):

Primary Number of Credits: 30
Supportive Number of Credits: N/A
Total CE Credits: 30

TLM

"I certify that the information entered on this form is true and complete to the best of my knowledge, and further acknowledge that if the information supplied on this form is willfully false, I am subject to punishment and/or disciplinary sanction including suspension/revocation or the imposition of civil penalties as may be provided by law."

K - R Tuso RPh

4/20/99

Date

FOLD HERE